

ORDINANCE NO. 2012-01

**AN ORDINANCE PROHIBITING THE USE OF FIREWORKS, OPEN FIRES,
AND OTHER POTENTIAL FIRE HAZARDS WITHIN KAMAS CITY DURING
THE FIRE SEASON 2012**

WITNESSETH

WHEREAS, the governing body of Kamas, Utah, in conjunction with the South Summit Fire District and Summit County, have a desire to reduce the threat of wild fires within the City and County; and

WHEREAS, based upon the forecasted drought, and the history of wild fires thus far in Utah, the fire risk for the year 2012 is expected to be high from June 30, 2012 through October 1, 2012; and

WHEREAS, Kamas City and the South Summit Fire District desire to reduce the risk of wild fires which may cause extensive damage within the City and County; and

WHEREAS, the use of explosives and other fireworks, as well as open fires and other potential fire hazards within the City substantially increase the risk of wildfires; and

WHEREAS, the State of Utah has created the Utah Fireworks Act as found in UTAH CODE ANN. § 53-7-220 - 225 which prohibits the sale and use of fireworks except on specific days; and

WHEREAS, the Governor of the State of Utah has recommended that Cities and Towns consider banning certain fireworks, open fires and other potential sources of fire within areas of the City or Town; and

WHEREAS, Kamas City has determined that the increased fire risk and risk to the health, safety and welfare of its citizens and their property warrant the need to restrict the use of fireworks, open fires, and other potential fire hazards completely during the high risk period;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
KAMAS, UTAH, AS FOLLOWS:**

Section 1. Kamas City hereby finds and determines that the high risk fire season for the year 2012 shall be from June 30, 2012 through October 1, 2012.

Section 2. The use of any and all class "C" fireworks for personal use shall be prohibited during the entirety of the 2012 high risk fire season. Class "C" fireworks as defined by UTAH CODE ANN. § 53-7-202(4)-(6) include:

- a) a firecracker, cannon cracker, salute, cherry bomb, or other similar explosive;
- b) a bottle rocket, skyrocket or any device other than a model rocket that uses combustible or explosive material;
- c) a roman candle or other device that discharges balls of fire;
- d) a tube or cone aerial firework that propels comets, shells, salutes, flash shells, or similar devices; and
- e) a chaser, whistler, or similar device.

Notwithstanding any provision contained in this Ordinance, this Ordinance shall not prohibit authorized fireworks displays conducted by a licensed fireworks display operator when issued a valid permit to conduct the display by the authority having jurisdiction, as provided in Utah Code, Title 53, Chapter 7.

Section 3. All open fires are prohibited during the 2012 high risk fire season. An open fire is defined as a fire which is not contained in a receptacle or structure specifically designed to contain the fire and prevent its spread outside the receptacle or structure. The receptacle or structure must be designed and located such that heat from the fire is precluded from starting a fire outside the receptacle or structure.

Section 4. Cutting, welding or grinding metal or other spark producing operations are prohibited within 50 feet of dry vegetation.

Section 5. Violations of this Ordinance shall be deemed a class B misdemeanor and shall be punishable by a fine not to exceed \$1,000.00 for persons or \$5,000 for corporations, and/or imprisonment for a term not to exceed six (6) months.

Section 6. All resolutions, ordinances, orders, and regulations or parts thereof heretofore adopted or passed which are in conflict with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of Kamas City and its inhabitants this Ordinance shall become effective immediately upon its approval and passage and posting at the City Hall.

APPROVED, ADOPTED AND PASSED this 29th day of June, 2012.

KAMAS CITY
KAMAS, UTAH

By: _____
Mayor

ATTEST:

Kim Peacock
Recorder

VOTING OF CITY COUNCIL:

Councilmember Crystal	_____
Councilmember Smith	_____
Councilmember Atkinson	_____
Councilmember Todd	_____
Councilmember Littledike	_____